

Art Unit: 2457

1. Applicant has suggested an interference pursuant to 37 CFR 41.202(a) in a communication filed 6/12/2002.

2. Applicant failed to (1) identify all claims the applicant believes interfere, and/or (2) propose one or more counts, and/or (3) show how the claims correspond to one or more counts. See 37 CFR 41.202(a)(2) and MPEP § 2304.02(b).

2.1. The applicant should provide a two-way obviousness analysis to show how the claims (37-53) correspond to a count taking into consideration that each count must describe a patentably distinct invention (the pending claims 37-53 are not all distinct inventions that correspond to different counts i.e. each count of the pending application is not a patentably distinct invention), see CFR 41.207(b)2.

3. Applicant failed to provide a claim chart comparing at least one claim of each party corresponding to the count. See 37 CFR 41.202(a)(3) and MPEP § 2304.02(c).

3.1 The applicant should provide for each count, a claim chart comparing at least one claim of each party corresponding to the count and show why the claims interfere within the meaning of 37 CFR 41.203(a).

4. Applicant failed to provide a detailed explanation as to why applicant will prevail on priority. See 37 CFR 41.202(a)(4), (a)(6), (d) and MPEP § 2304.02(c).

4.1. The applicant should explain in details why the applicant will prevail on priority.

5. The applicant should submit a new set of claims that show the status of each claims, i.e. original, withdrawn, canceled, etc.
6. Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to correct the deficiency(ies). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Moustafa M Meky/
Primary Examiner, Art Unit 2457

12/31/2009